

**REMARKS**

Upon entry of the above amendment, the specification and claim 3 will have been amended. Additionally, claim 25 will have been canceled. Accordingly, claims 1-24 and 26-36 will be pending with claims 1, 31 and 34 being in independent form. Claims 4-20 and 26-30 stand withdrawn by the Examiner.

***Summary of the Official Action***

In the instant Office Action, the Examiner noted that certain documents submitted in the IDS filed on October 16, 2007 were not considered. The Examiner additionally objected to the drawings as showing reference numbers which were not described in the specification. Additionally, the Examiner rejected claims 3 and 25 as indefinite. Finally, the Examiner rejected claims 1-3, 21-25 and 31-36 over the art of record. By the present amendment and remarks, Applicant submits that the objections and rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

***IDS filed on October 16, 2007***

The Examiner noted that certain documents submitted in the IDS filed on October 16, 2007 were not considered. Applicant is concurrently filing another IDS submitting an English language translation of the following documents: SU 1 434 144; DE 3 834 026; Swiss 497 524; DE 1 954 7864; and 1 147 651. Applicant is also correcting the publication date of GB 213 337. Additionally, Applicant is submitting US

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2006/0010818 as a counterpart of EP 1 287 219. Furthermore, Applicant is herein submitting US 2002/0189747 which is believed to be similar and/or cumulative of EP 1 229 182. Finally, Applicant is again listing document English language Abstract of JP-6-8587 which was not initialed by the Examiner.

Accordingly, Applicant respectfully requests that the above-noted documents be considered.

### ***Objection to the Drawings***

Applicant submits that the objection to the drawings is improper and/or moot.

The Examiner objected to the drawings because reference numbers 12-15, 21 and 22 were not described in the specification. Applicant notes that reference numbers 12, 14, 15 and 22 are not shown in the drawings and therefore do not need to be described in the specification.

Furthermore, reference number 13 is discussed on paragraph [0019] of the instant published application No. 2002/0046526.

Finally, by this Amendment, reference number 21 (shown in Fig. 5) has been added to the instant specification.

Accordingly, Applicant respectfully requests that the above-noted objection be withdrawn.

**35 U.S.C. § 112, 2<sup>nd</sup> Paragraph, Rejection**

Claims 3 and 25 were rejected as indefinite on the basis of a number of asserted informalities.

By this Amendment, claim 3 has been amended in a manner which is believed to address the Examiner's basis of rejection. Furthermore, claim 25 has been canceled.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the above-noted rejection of these claims.

***Rejections Under 35 U.S.C. § 103***

**Claims 1-3, 21-25 and 31-35 under 35 U.S.C. § 103(a) as being unpatentable over AT 405 560 in view of DE 297 03 962. Applicant traverses this rejection.**

**Claim 1**

Independent claim 1 recites a configuration for combining flat structural components which utilizes the combination of a tongue and groove connection wherein both the tongue and groove have divergent sides and integrated locking mechanisms and which also includes a pre-applied adhesive layer or a pre-applied layer of a substance which activates adhesive is applied off-site and is present on the groove at least in the area of its divergent sides or on the tongue at least in the area of its divergent wedge-shaped area, or on both areas.

The Examiner acknowledges that AT '560 lacks the recited adhesive between the tongue and groove joints, but explains that DE '962 teaches the use of a pre-

applied contact adhesive in a tongue and groove joint to establish a secure engagement between the panels. Applicant respectfully disagrees that the asserted combination of these documents discloses or suggests the combination of features recited in claim 1.

Applicant does not dispute that DE '962 apparently teaches a tongue and groove connection between panels as well as the factory application of glue to adjoining areas, and that AT '560 teaches a tongue and groove with locking mechanisms. However, the Examiner has failed to appreciate that the factory application of an adhesive is not a *per se* disclosure of a pre-applied adhesive or pre-applied substance because, as will be explained below, a pre-applied adhesive or substance is a type of adhesive or substance that is simply not disclosed or suggested by the applied documents.

The Examiner has also ignored the noted deficiencies of these documents. For example, AT '560 does not teach the use of any adhesive in a locking tongue and groove joint. Moreover, DE '962 merely discloses a contact glue which requires that the mating surfaces "be pressed together with a considerable degree of pressure, making it impossible to additionally adjust the glued joint in the longitudinal direction for the purpose of closing a transverse joint." Thus, even if these documents were properly combinable (which Applicant disputes) they would nevertheless not disclose or suggest the unique combination of three features in the connection of flat structural panels: that is, (1) a tongue and groove connection with divergent sides; (2) that both the tongue and the groove have a locking mechanisms or elements; and (3) that either the tongue,

or the groove, or both of these devices, have a pre-applied adhesive or an adhesive substance as defined above.

Applicant emphasizes that the application of the adhesive or the substance at least to corresponding divergent surfaces of the tongue and groove and connecting the tongue and groove, causes the tongue to become bonded to the groove by virtue of the divergent surfaces being pushed and remaining in tension. This ensures an especially reliable bonding of the connection. Furthermore, because of the substance placement and the use of the locking elements, the arrangement is such that locking elements help ensure that the substance on the divergent sides cannot come up and out of the connection onto the surface of the panels. Thus, the locking elements act as a locking device and as a device which prevents the spilling out of the adhesive substance. The pre-application of the adhesive or substance at least on the divergent sides also ensures it does not find its way into the locking elements – thereby ensuring a totally flat surface in the area of the connection of the panels.

Nor would any proper combination of these documents recognize the numerous benefits noted above and even achieve an automatically secure connection between flat structural panels. For example, the paragraph bridging pages 4 and 5 of the instant specification specifically explains the benefits of this connection as, among other things, reducing the amount of “maneuvers and manual stages involved in laying out the panels on site”. Other noted benefits of pre-applying the substance include: (i) ensuring that a sufficient but not excessive amount of adhesive is used in the connection, (ii) eliminating the problem of glue setting during installation, (iii) providing a seamless joint,

and (iv) eliminating the possibility of a welling out of the substance which typically occurs when a glue is applied on site and which can form spots on the surface that must be removed immediately.

Applicant notes that U.S. Patent No. 4,417,028 to AZEVDO (a copy of which is being submitted with the concurrently filed IDS) contains an accurate description of such substances. Such substances are typically stable compositions which are prepared and pre-applied to "surfaces prior to the time of assembly, which will remain on the parts during normal storage and shipment, and which will cure upon mating with another part thereby imparting an effective and improved seal or bond." See col. 1, lines 56-68 of AZEVDO. Such substance also typically ensure that the pre-applied parts "can then be shipped or stored for substantial periods of time prior to cure" and are "dry to the touch. Finally, such substances may also have the attribute that "when crushed or ground by a mating surface, cures to a strong bond" (see col. 2, lines 1-22 of AZEVDO). Indeed, these properties, as well as other properties, are specifically acknowledged and noted on pages 5-14 of the instant specification in discussing examples of the types of substances which can be utilized in the invention.

Because the combination of the above-noted documents fails to disclose, or even suggest, at least the above-noted features of the instant invention, Applicant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least independent claim 1.

Claims 31 and 34

Independent claims 31 and 34 similarly recite the combination of a tongue and groove connection wherein both the tongue and groove have divergent sides and locking elements and also includes a pre-applied adhesive layer or pre-applied substance which activates an adhesive applied off-site and being present on the groove at least in the area of the divergent sides or on the tongue at least in the area of the divergent wedge-shaped area, or on both areas.

The Examiner acknowledges that AT '560 lacks the recited adhesive between the tongue and groove joints, but explains that DE '962 teaches the use of a contact adhesive in a tongue and groove joint to establish a secure engagement between the panels.

Applicant respectfully disagrees that the asserted combination of these documents discloses or suggests the combination of features recited in claims 31 and 34 for reasons that are similar to those noted above with regard to claim 1.

Again, the Examiner has ignored the noted deficiencies of these documents. For example, AT '560 does not teach the use of any adhesive in a locking tongue and groove joint. Moreover, DE '962 merely discloses a contact glue which requires that the mating surfaces "be pressed together with a considerable degree of pressure, making it impossible to additionally adjust the glued joint in the longitudinal direction for the purpose of closing a transverse joint." Thus, even if these documents were properly combinable (which Applicant disputes) they would nevertheless not disclose or suggest the unique combination of three features in the connection of flat structural panels: that

is, (1) a tongue and groove connection with divergent sides; (2) that both the tongue and the groove have a locking mechanisms or elements; and (3) that either the tongue, or the groove, or both of these devices, have a pre-applied adhesive or an adhesive substance as defined above.

Applicant emphasizes that the application of the adhesive or the substance at least to corresponding divergent surfaces of the tongue and groove and connecting the tongue and groove, causes the tongue becomes bonded to the groove by virtue of the divergent surfaces being pushed and remaining in tension. This ensures an especially reliable bonding of the connection. Furthermore, because of the substance placement and the use of the locking elements, the arrangement is such that locking elements help ensure that the substance on the divergent sides cannot come up and out of the connection onto the surface of the panels. Thus, the locking elements act as a locking device and as a device which prevents the spilling out of the adhesive substance. The pre-application of the adhesive or substance at least on the divergent sides also ensures it does not find its way into the locking elements – thereby ensuring a totally flat surface in the area of the connection of the panels.

Because the combination of the above-noted documents fails to disclose, or even suggest, at least the above-noted features of the instant invention, Applicant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least independent claim 31.

Claims 2, 3, 21-24, 32, 34 and 35 are allowable at least because these claims depend from the above-noted independent claims.



**Claims 1-3, 21-25 and 31-36 under 35 U.S.C. § 103(a) as being unpatentable over AT 405 560 in view of DE 297 03 962 and further in view of U.S. Patent No. 6,004,417 issued to ROESCH et al.**

Claim 1

Again, independent claim 1 recites a configuration for combining flat structural components which utilizes the combination of a tongue and groove connection wherein both the tongue and groove have divergent sides and integrated locking mechanisms and which also includes a pre-applied adhesive layer or a pre-applied layer of a substance which activates adhesive is applied off-site and is present on the groove at least in the area of its divergent sides or on the tongue at least in the area of its divergent wedge-shaped area, or on both areas.

The Examiner acknowledges that AT '560 lacks the recited adhesive between the tongue and groove joints, but explains that DE '962 teaches the use of a pre-applied contact adhesive in a tongue and groove joint to establish a secure engagement between the panels. Finally, the Examiner cites ROESCH for its disclosure of a two-component adhesive.

Applicant respectfully disagrees that the asserted combination of these documents discloses or suggests the combination of features recited in claim 1 for the reasons noted above.

Applicant also disputes the relevancy of ROESCH, as this document is completely silent with regard to a pre-applied adhesive layer or activator substance.

ROESCH is also non-analogous art. Whereas the invention relates to flat structural

components or panels using a tongue and groove locking connection having a pre-applied adhesive or adhesive activator, ROESCH relates to a connection between plastic pipe parts which can be pre-applied with an adhesive (see Fig. 3).

Because the combination of the above-noted documents fails to disclose, or even suggest, at least the above-noted features of the instant invention, Applicant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least independent claim 1.

#### Claims 31 and 34

Again, independent claims 31 and 34 similarly recite the combination of a tongue and groove connection wherein both the tongue and groove have divergent sides and locking elements and also includes a pre-applied adhesive layer or pre-applied substance which activates an adhesive applied off-site and being present on the groove at least in the area of the divergent sides or on the tongue at least in the area of the divergent wedge-shaped area, or on both areas.

The Examiner acknowledges that AT '560 lacks the recited adhesive between the tongue and groove joints, but explains that DE '962 teaches the use of a contact adhesive in a tongue and groove joint to establish a secure engagement between the panels. The Examiner further asserts that ROESCH discloses of a two-component adhesive.

Applicant respectfully disagrees that the asserted combination of these documents discloses or suggests the combination of features recited in claims 31 and 34 for reasons that are similar to those noted above with regard to claim 1.

Again, Applicant also disputes the relevancy of ROESCH, as this document is completely silent with regard to a pre-applied adhesive layer or activator substance. Again, ROESCH is non-analogous art. Whereas the invention relates to flat structural components or panels using a tongue and groove locking connection having a pre-applied adhesive or adhesive activator, ROESCH relates to a connection between plastic pipe parts which can be pre-applied with an adhesive (see Fig. 3).

Because the combination of the above-noted documents fails to disclose, or even suggest, at least the above-noted features of the instant invention, Applicant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least independent claims 31 and 34.

Claims 2, 3, 21-24 32, 33 and 35 are allowable at least because these claims depend from the above-noted independent claims.

**Claims 32, 33 and 35 under 35 U.S.C. § 103(a) as being unpatentable over AT 405 560 in view of DE 297 03 962 and further in view of any of U.S. Patent No. 6,398,902 issued to ROBINS et al., U.S. Patent No. 5,678,715 issued to SJOSTEDT et al., U.S. Patent No. 5,165,826 issued to PARASIN, and U.S. Patent No. 5,157,892 issued to RYTHER.**

Claim 32

Claim 32 recites the configuration of claim 31 and wherein the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is

applied in an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together. No proper combination of the above-noted documents discloses or suggests these additional features.

The Examiner opines that the amount of adhesive which is applied would be obvious to one having ordinary skill in the art and alternatively that each of ROBINS, SJOSTEDT, PARASIN and RYTHER "recognize the undesirability of excess adhesive seepage and therefore teach to abate as much as possible any undesirable effects of any possible excess adhesive seepage". The Examiner also cites col. 4, lines 11-13 of ROBINS, col. 9, line 65 to col. 10, line 10 of SJOSTEDT, col. 3, lines 18-20 and claim 4 of PARASIN, and col. 1, lines 63-67, col. 2, lines 32-36, col. 3, lines 18-20, and col. 4, lines 33-35 of RYTHER.

Appellant disagrees. The Examiner has simply failed to identify any one or more of the recited features in the applied documents. As a result, Appellant submits that the Examiner has failed to establish a *prima facie* case of obviousness.

Furthermore, Appellant submits that none of the above-noted applied documents discloses or suggests that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together.

Again, the Examiner has acknowledged that AT '560 lacks the recited adhesive between the tongue and groove joints.

While Appellant does not dispute that DE '962 teaches a tongue and groove connection between panels as well as the factory application of glue to adjoining areas, the Examiner has failed to appreciate that the factory application of an adhesive is not a *per se* disclosure of a pre-applied adhesive or pre-applied substance because, as will be explained below, a pre-applied adhesive or substance is a type of adhesive or substance that is simply not disclosed or suggested by the applied documents.

The Examiner has also ignored the noted deficiencies of these documents. As explained above, AT '560 does not teach the use of any adhesive in a locking tongue and groove joint. Moreover, DE '962 merely discloses a contact glue which requires that the mating surfaces "be pressed together with a considerable degree of pressure, making it impossible to additionally adjust the glued joint in the longitudinal direction for the purpose of closing a transverse joint." Thus, even if these documents were properly combinable (which Appellant disputes) they would nevertheless not disclose or suggest the unique combination of three features in the connection of flat structural panels: that is, (1) a tongue and groove connection with divergent sides; (2) that both the tongue and the groove have a locking mechanisms or elements; and (3) that either the tongue, or the groove, or both of these devices, have a pre-applied adhesive or an adhesive substance as defined above.

ROBINS is non-analogous art and fails to cure the deficiencies of the above-noted documents. ROBINS relates to an adhesive connection between tube parts of a waveguide (see col. 4, lines 7-13). Furthermore, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a

decorative surface of the flat structural panels when the flat structural panels are joined together, ROBINS specifically discloses to apply an amount which "completely fills the void between the butt joint sections 12, 12' (see col. 4, lines 8-10).

SJOSTEDT is also non-analogous art and fails to cure the deficiencies of the above-noted documents. SJOSTEDT relates to an adhesive connection between parts of a shipping container (see Abstract). Furthermore, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, SJOSTEDT specifically discloses that "[e]xcess adhesive material A in the joint 292 can be relieved into the spaces or the cavity 302 so as not to interfere with accurate fit-up of adjoining side panels" (see col. 10, lines 4-8).

PARASIN also fails to cure the deficiencies of the above-noted documents. Whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, PARASIN specifically discloses that "[w]hen assembling joints, glue may be applied to the tongue and groove profiles, the application of glue is optional. The spaces 42 between the tongue head and the groove head chamfered surfaces define a gap to accommodate excess glue." See col. 3, lines 16-20.

RYTHER is non-analogous and also fails to cure the deficiencies of the above-noted documents. Again, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat

structural panels when the flat structural panels are joined together, RYTHER merely relates to an adhesive connection between ribs of a structural panel (see Abstract) and specifically discloses a joint which accommodates "any excess glue forced out by the joining process" (see col. 3, lines 13-20 and col. 4, lines 23-35).

Thus, the Examiner is not correct that any of the above-noted documents, and in particular, each of ROBINS, SJOSTEDT, PARASIN and RYTHER, disclose or suggest that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together.

Because the combination of the above-noted documents fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least dependent claim 32.

### Claim 33

Claim 33 recites the configuration of claim 1 and that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a surface of the flat structural components when the flat structural components are joined together. No proper combination of the above-noted documents discloses or suggests these additional features.

The Examiner opines that the amount of adhesive which is applied would be obvious to one having ordinary skill in the art and alternatively that each of ROBINS, SJOSTEDT, PARASIN and RYTHER "recognize the undesirability of excess adhesive seepage and therefore teach to abate as much as possible any undesirable effects of any possible excess adhesive seepage". The Examiner also cites col. 4, lines 11-13 of ROBINS, col. 9, line 65 to col. 10, line 10 of SJOSTEDT, col. 3, lines 18-20 and claim 4 of PARASIN, and col. 1, lines 63-67, col. 2, lines 32-36, col. 3, lines 18-20, and col. 4, lines 33-35 of RYTHER.

Appellant disagrees. The Examiner has simply failed to identify any one or more of the recited features in the applied documents. As a result, Appellant submits that the Examiner has failed to establish a *prima facie* case of obviousness.

Furthermore, Appellant submits that none of the above-noted applied documents discloses or suggests that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a surface of the flat structural components when the flat structural components are joined together.

Again, the Examiner has acknowledged that AT '560 lacks the recited adhesive between the tongue and groove joints.

While Appellant does not dispute that DE '962 teaches a tongue and groove connection between panels as well as the factory application of glue to adjoining areas, the Examiner has failed to appreciate that the factory application of an adhesive is not a *per se* disclosure of a pre-applied adhesive or pre-applied substance because, as will



be explained below, a pre-applied adhesive or substance is a type of adhesive or substance that is simply not disclosed or suggested by the applied documents.

The Examiner has also ignored the noted deficiencies of these documents. As explained above, AT '560 does not teach the use of any adhesive in a locking tongue and groove joint. Moreover, DE '962 merely discloses a contact glue which requires that the mating surfaces "be pressed together with a considerable degree of pressure, making it impossible to additionally adjust the glued joint in the longitudinal direction for the purpose of closing a transverse joint." Thus, even if these documents were properly combinable (which Appellant disputes) they would nevertheless not disclose or suggest the unique combination of three features in the connection of flat structural panels: that is, (1) a tongue and groove connection with divergent sides; (2) that both the tongue and the groove have a locking mechanisms or elements; and (3) that either the tongue, or the groove, or both of these devices, have a pre-applied adhesive or an adhesive substance as defined above.

ROBINS is non-analogous art and fails to cure the deficiencies of the above-noted documents. ROBINS relates to an adhesive connection between tube parts of a waveguide (see col. 4, lines 7-13). Furthermore, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, ROBINS specifically discloses to apply an amount which "completely fills the void between the butt joint sections 12, 12' (see col. 4, lines 8-10).

SJOSTEDT is also non-analogous art and fails to cure the deficiencies of the above-noted documents. SJOSTEDT relates to an adhesive connection between parts of a shipping container (see Abstract). Furthermore, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, SJOSTEDT specifically discloses that “[e]xcess adhesive material A in the joint 292 can be relieved into the spaces or the cavity 302 so as not to interfere with accurate fit-up of adjoining side panels” (see col. 10, lines 4-8).

PARASIN also fails to cure the deficiencies of the above-noted documents. Whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, PARASIN specifically discloses that “[w]hen assembling joints, glue may be applied to the tongue and groove profiles, the application of glue is optional. The spaces 42 between the tongue head and the groove head chamfered surfaces define a gap to accommodate excess glue.” See col. 3, lines 16-20.

RYTHER is non-analogous and also fails to cure the deficiencies of the above-noted documents. Again, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, RYTHER merely relates to an adhesive connection between ribs of a structural panel (see Abstract) and

specifically discloses a joint which accommodates "any excess glue forced out by the joining process" (see col. 3, lines 13-20 and col. 4, lines 23-35).

Thus, the Examiner is not correct that any of the above-noted documents, and in particular, each of ROBINS, SJOSTEDT, PARASIN and RYTHER, disclose or suggest that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a surface of the flat structural components when the flat structural components are joined together.

Because the combination of the above-noted documents fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least dependent claim 33.

#### Claim 35

Claim 35 recites the configuration of claim 34 and that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a surface of the flat structural components when the flat structural components are joined together. No proper combination of the above-noted documents discloses or suggests these additional features.

Since this claim recites substantially the same features as claim 33, Appellant hereby incorporates by reference the arguments noted above with regard to claim 33.

Because the combination of the above-noted documents fails to disclose, or

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even suggest, at least the above-noted features of the instant invention, Appellant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least dependent claim 35.

**Claims 32, 33 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over AT 405 560 in view of DE 297 03 962 and U.S. Patent No. 6,004,417 issued to ROESCH et al., and further in view of any of U.S. Patent No. 6,398,902 issued to ROBINS et al., U.S. Patent No. 5,678,715 issued to SJOSTEDT et al., U.S. Patent No. 5,165,826 issued to PARASIN, and U.S. Patent No. 5,157,892 issued to RYTHER.**

Claim 32

Claim 32 recites the configuration of claim 31 and wherein the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together. No proper combination of the above-noted documents discloses or suggests these additional features.

The Examiner opines that the amount of adhesive which is applied would be obvious to one having ordinary skill in the art and alternatively that each of ROBINS, SJOSTEDT, PARASIN and RYTHER "recognize the undesirability of excess adhesive seepage and therefore teach to abate as much as possible any undesirable effects of any possible excess adhesive seepage". The Examiner also cites col. 4, lines 11-13 of

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ROBINS, col. 9, line 65 to col. 10, line 10 of SJOSTEDT, col. 3, lines 18-20 and claim 4 of PARASIN, and col. 1, lines 63-67, col. 2, lines 32-36, col. 3, lines 18-20, and col. 4, lines 33-35 of RYTHER.

Appellant disagrees. The Examiner has simply failed to identify any one or more of the recited features in the applied documents. As a result, Appellant submits that the Examiner has failed to establish a *prima facie* case of obviousness.

Furthermore, Appellant submits that none of the above-noted applied documents discloses or suggests that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together.

Again, the Examiner has acknowledged that AT '560 lacks the recited adhesive between the tongue and groove joints.

While Appellant does not dispute that DE '962 teaches a tongue and groove connection between panels as well as the factory application of glue to adjoining areas, the Examiner has failed to appreciate that the factory application of an adhesive is not a *per se* disclosure of a pre-applied adhesive or pre-applied substance because, as will be explained below, a pre-applied adhesive or substance is a type of adhesive or substance that is simply not disclosed or suggested by the applied documents.

The Examiner has also ignored the noted deficiencies of these documents. As explained above, AT '560 does not teach the use of any adhesive in a locking tongue and groove joint. Moreover, DE '962 merely discloses a contact glue which requires

that the mating surfaces "be pressed together with a considerable degree of pressure, making it impossible to additionally adjust the glued joint in the longitudinal direction for the purpose of closing a transverse joint." Thus, even if these documents were properly combinable (which Appellant disputes) they would nevertheless not disclose or suggest the unique combination of three features in the connection of flat structural panels: that is, (1) a tongue and groove connection with divergent sides; (2) that both the tongue and the groove have a locking mechanisms or elements; and (3) that either the tongue, or the groove, or both of these devices, have a pre-applied adhesive or an adhesive substance as defined above.

Appellant also disputes the relevancy of ROESCH, as this document is completely silent with regard to a pre-applied adhesive layer or activator substance. ROESCH is non-analogous art. Whereas the invention relates to flat structural components or panels using a tongue and groove locking connection having a pre-applied adhesive or adhesive activator, ROESCH relates to a connection between plastic pipe parts which can be pre-applied with an adhesive (see Fig. 3).

ROBINS is also non-analogous art and fails to cure the deficiencies of the above-noted documents. ROBINS relates to an adhesive connection between tube parts of a waveguide (see col. 4, lines 7-13). Furthermore, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, ROBINS specifically discloses to apply an amount which "completely fills the void between the butt joint sections 12, 12' (see col. 4, lines 8-10).

SJOSTEDT is also non-analogous art and fails to cure the deficiencies of the above-noted documents. SJOSTEDT relates to an adhesive connection between parts of a shipping container (see Abstract). Furthermore, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, SJOSTEDT specifically discloses that “[e]xcess adhesive material A in the joint 292 can be relieved into the spaces or the cavity 302 so as not to interfere with accurate fit-up of adjoining side panels” (see col. 10, lines 4-8).

PARASIN also fails to cure the deficiencies of the above-noted documents. Whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, PARASIN specifically discloses that “[w]hen assembling joints, glue may be applied to the tongue and groove profiles, the application of glue is optional. The spaces 42 between the tongue head and the groove head chamfered surfaces define a gap to accommodate excess glue.” See col. 3, lines 16-20.

RYTHER is non-analogous and also fails to cure the deficiencies of the above-noted documents. Again, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, RYTHER merely relates to an adhesive connection between ribs of a structural panel (see Abstract) and

specifically discloses a joint which accommodates "any excess glue forced out by the joining process" (see col. 3, lines 13-20 and col. 4, lines 23-35).

Thus, the Examiner is not correct that any of the above-noted documents, and in particular, each of ROBINS, SJOSTEDT, PARASIN and RYTHER, disclose or suggest that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together.

Because the combination of the above-noted documents fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least dependent claim 32.

#### Claim 33

Claim 33 recites the configuration of claim 1 and that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a surface of the flat structural components when the flat structural components are joined together. No proper combination of the above-noted documents discloses or suggests these additional features.

The Examiner opines that the amount of adhesive which is applied would be obvious to one having ordinary skill in the art and alternatively that each of ROBINS, SJOSTEDT, PARASIN and RYTHER "recognize the undesirability of excess adhesive



seepage and therefore teach to abate as much as possible any undesirable effects of any possible excess adhesive seepage". The Examiner also cites col. 4, lines 11-13 of ROBINS, col. 9, line 65 to col. 10, line 10 of SJOSTEDT, col. 3, lines 18-20 and claim 4 of PARASIN, and col. 1, lines 63-67, col. 2, lines 32-36, col. 3, lines 18-20, and col. 4, lines 33-35 of RYTHER.

Appellant disagrees. The Examiner has simply failed to identify any one or more of the recited features in the applied documents. As a result, Appellant submits that the Examiner has failed to establish a *prima facie* case of obviousness.

Furthermore, Appellant submits that none of the above-noted applied documents discloses or suggests that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a surface of the flat structural components when the flat structural components are joined together.

Again, the Examiner has acknowledged that AT '560 lacks the recited adhesive between the tongue and groove joints.

While Appellant does not dispute that DE '962 teaches a tongue and groove connection between panels as well as the factory application of glue to adjoining areas, the Examiner has failed to appreciate that the factory application of an adhesive is not a *per se* disclosure of a pre-applied adhesive or pre-applied substance because, as will be explained below, a pre-applied adhesive or substance is a type of adhesive or substance that is simply not disclosed or suggested by the applied documents.

The Examiner has also ignored the noted deficiencies of these documents. As explained above, AT '560 does not teach the use of any adhesive in a locking tongue and groove joint. Moreover, DE '962 merely discloses a contact glue which requires that the mating surfaces "be pressed together with a considerable degree of pressure, making it impossible to additionally adjust the glued joint in the longitudinal direction for the purpose of closing a transverse joint." Thus, even if these documents were properly combinable (which Appellant disputes) they would nevertheless not disclose or suggest the unique combination of three features in the connection of flat structural panels: that is, (1) a tongue and groove connection with divergent sides; (2) that both the tongue and the groove have a locking mechanisms or elements; and (3) that either the tongue, or the groove, or both of these devices, have a pre-applied adhesive or an adhesive substance as defined above.

Appellant also disputes the relevancy of ROESCH, as this document is completely silent with regard to a pre-applied adhesive layer or activator substance. ROESCH is non-analogous art. Whereas the invention relates to flat structural components or panels using a tongue and groove locking connection having a pre-applied adhesive or adhesive activator, ROESCH relates to a connection between plastic pipe parts which can be pre-applied with an adhesive (see Fig. 3).

ROBINS is also non-analogous art and fails to cure the deficiencies of the above-noted documents. ROBINS relates to an adhesive connection between tube parts of a waveguide (see col. 4, lines 7-13). Furthermore, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out

onto a decorative surface of the flat structural panels when the flat structural panels are joined together, ROBINS specifically discloses to apply an amount which "completely fills the void between the butt joint sections 12, 12' (see col. 4, lines 8-10).

SJOSTEDT is also non-analogous art and fails to cure the deficiencies of the above-noted documents. SJOSTEDT relates to an adhesive connection between parts of a shipping container (see Abstract). Furthermore, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, SJOSTEDT specifically discloses that "[e]xcess adhesive material A in the joint 292 can be relieved into the spaces or the cavity 302 so as not to interfere with accurate fit-up of adjoining side panels" (see col. 10, lines 4-8).

PARASIN also fails to cure the deficiencies of the above-noted documents. Whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat structural panels when the flat structural panels are joined together, PARASIN specifically discloses that "[w]hen assembling joints, glue may be applied to the tongue and groove profiles, the application of glue is optional. The spaces 42 between the tongue head and the groove head chamfered surfaces define a gap to accommodate excess glue." See col. 3, lines 16-20.

RYTHER is non-analogous and also fails to cure the deficiencies of the above-noted documents. Again, whereas the invention recites the application of an amount which is insufficient to cause any excess to well out onto a decorative surface of the flat

structural panels when the flat structural panels are joined together, RYTHER merely relates to an adhesive connection between ribs of a structural panel (see Abstract) and specifically discloses a joint which accommodates "any excess glue forced out by the joining process" (see col. 3, lines 13-20 and col. 4, lines 23-35).

Thus, the Examiner is not correct that any of the above-noted documents, and in particular, each of ROBINS, SJOSTEDT, PARASIN and RYTHER, disclose or suggest that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a surface of the flat structural components when the flat structural components are joined together.

Because the combination of the above-noted documents fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least dependent claim 33.

#### Claim 35

Claim 35 recites the configuration of claim 34 and that the pre-applied adhesive layer or the pre-applied layer of a substance which activates an adhesive is applied in an amount which is insufficient to cause any excess to well out onto a surface of the flat structural components when the flat structural components are joined together. No proper combination of the above-noted documents discloses or suggests these additional features.

Since this claim recites substantially the same features as claim 33, Appellant hereby incorporates by reference the arguments noted above with regard to claim 33.

Because the combination of the above-noted documents fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least dependent claim 35.

### CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicant's invention, as recited in each of the pending claims. Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Please charge any additional fees necessary for consideration of the papers filed herein and refund excess payments to Deposit Account No. 19-0089.

Respectfully submitted,  
F. KNAUSEDER



Andrew M. Calderon  
Reg. No. 38,093

April 1, 2008  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

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